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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,282	07/15/2003	Kevin L. Alexander	13867	4860

7590

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EXAMINER

HOGAN, JAMES SEAN

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/619,282	<b>Applicant(s)</b> ALEXANDER ET AL.	
	<b>Examiner</b> James S Hogan	<b>Art Unit</b> 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/15/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3, 9, and 11-14, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,169,882 to Juvinal et al. in view of U.S. Patent No. 5,353,474 to Good et al.

Regarding claim 1, 11, and 13, Juvinal et al. ('882) teaches an electrostatic coating apparatus having a handgrip. Juvinal et al. ('882) does not teach a grip cover. Good et al. ('474) teaches a transferable grip, made of a "rubber-like moldable material" (Col. 7, line 23) for a handle assembly. As for claim 2 and 14, the moldable material used by Good et al. is identified as a plastic durometer (Col. 7, line 26) qualifies it as an elastomeric polymer. As best that can be determined, the plastic durometer of Good et al. ('474) is electrically non-conductive, as per claim 3 and 16. As for claim 9, the grip cover of Good et al. ('474) is shown (Figure 1) to be a sleeve placed around the handgrip of a tool. As for claim 12, as best that can be reasonably considered, the grip of Good et al. ('474) is overmolded. By comparing the spray apparatus of Juvinal et al. ('882) in Figure 5 with the similar tool grip shown in Figure 1 of Good et al. ('474), it would have been obvious to one skilled in the art at the time the invention was made to

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have modified Juvinal et al. ('882) with a grip cover of Good et al. ('474) in order to provide ergonomic relief to the operator of a spray device.

Claims 1, 4, 13 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,169,882 to Juvinal et al. in view of U.S. Patent No.5,774,571 to Marshall.

Regarding claim 1, 11, 13, Juvinal et al. ('882) teaches an electrostatic coating apparatus having a handgrip. Juvinal et al. ('882) does not teach a grip cover. Marshall ('571) teaches the use of flexible conductive material, graphite, for use in hand held device where grounding is essential (col. 4, line 11-19). As per claim 4 and 16, the graphite material has conductive properties. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have provided Juvinal et al. ('882) with a grip cover made of the same graphite material of Marshall ('571) in order to provide ergonomic relief to the operator of a spray device while maintaining a ground between the operator and the device.

Claims 1, 5 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,169,882 to Juvinal et al. in view of U.S. Patent No. 4,936,036 to Sniezak et al.

Regarding claim 1, Juvinal et al. ('882) teaches an electrostatic coating apparatus having a handgrip. Juvinal et al. ('882) does not teach a grip cover. Regarding claim 5, Juvinal et al. ('882) does not teach a grip that defines any openings through which an operator can maintain contact with the device, nor a textured cover. Sniezak et al. ('036) teaches a plastic grip cover with an opening defined as the

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dimension "d" on figure 3, that the operator can remain to have contact with a device.

As for claim 10, Sniezak et al. ('036) teaches a textured grip cover. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have provided Juvinal et al. ('882) with the grip cover with the textured features of Sniezak et al. ('036) in order to provide ergonomic relief to the operator of a spray device and have an enhanced grip on the device.

Claims 1, 6,7,17,19, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,169,882 to Juvinal et al. in view of U.S. Patent No. 6,161,256 to Quiring et al.

Regarding claim 1, Juvinal et al. ('882) teaches an electrostatic coating apparatus having a handgrip. Regarding claim 6 and 17, Juvinal et al. ('882) does not teach a grip cover that includes a shell fitting over the handgrip, and a pad coupled to an outer surface of the shell. Quiring et al. ('656) teaches grip cover (20) with raised pads (40), made of material softer than the "soft plastic" of the cover (Col. 2, line 26-33,43-44). Regarding claim 7 and 19, as best that can be reasonably considered, the grip of Quiring et al. ('656) is overmolded. As for claim 20, the shell and pad of Quiring et al. ('656) form a U-shaped cross section that is received onto the U-shaped cross section of a handgrip. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have provided Juvinal et al. ('882) with the U-shaped grip cover of Quiring et al. ('656) having additional padding in order to provide ergonomic relief to the operator of a spray device.

***Allowable Subject Matter***

2. Claim 8 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is as follows:

U.S. Patent No. 6,796,389 to Pusateri et al., disclosing a removable hand grip for a power tool.

U.S. Patent No. 5,332,156 to Wheeler, disclosing a spray gun with a removable cover.

U.S. Patent No. 4,915,304 to Campani, disclosing a crop-spraying gun

U.S. Patent No. 6,568,483 to McCallops et al., disclosing an interchangeable handgrip for a pneumatic tool.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S Hogan whose telephone number is (571) 272-4902. The examiner can normally be reached on Mon-Fri, 7:00a-4:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSH  
2/28/05



**David A. Scherbel**  
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